

PROPOSED REGULATORY TEXT
AMENDMENTS TO MANUFACTURED HOUSING SALES,
OCCUPATIONAL LICENSING AND EDUCATION REGULATIONS
CALIFORNIA CODE OF REGULATIONS
TITLE 25, DIVISION 1, CHAPTER 4, SUBCHAPTERS 1 AND 2

Legend:

*Text in single underline is proposed new text.

* Text in ~~single strikeout~~ is deleted text.

§ 5002. Definitions.

The following definitions and those set forth or referenced in Health and Safety Code Sections 18000 through 18153, shall govern the activities under this chapter:

(a) Accessory. Any additional structure, air-conditioning unit, driveway, landscaping, skirting, awning, carport, shed, porch, or other items contracted for and included in the purchase document for the purchase or lease of a manufactured home, mobilehome and/or its installation site.

(b) Acknowledged. When used in this chapter means either notarized or attested to by a subscribing witness.

(c) Advertising. Any statement, representation, act or announcement intentionally communicated to any member of the public by any means whatever, whether orally, in writing or otherwise, generally for the purpose of arousing a desire to buy or patronize.

(d) Cash or cash equivalent. Includes, but is not limited to:

(1) Cash, checks, money orders, or drafts.

(2) Promissory notes, bills of sale, or certificates of ownership, or other intangible property.

(3) Assignments of funds, proceeds, contracts, rights, or other negotiable instruments.

(4) Any real or personal property.

(e) Clock hour. Fifty (50) continuous minutes in an approved preliminary or continuing education course, seminar, or conference excluding breaks for meals, rest, or smoking.

(f) Close of escrow. The date on which the conditions of the escrow have been met and the escrow agent is in a position to disburse all funds excepting funds withheld for uninstalled or undelivered accessories included in the purchase price.

(g) Continuing Education Course. A class, seminar or conference approved by the department, pursuant to law and this chapter, which offers licensees continuing education clock hour credits on one topic.

(h) Correspondence Course. A continuing education program of a single topic approved by the department transmitted by mail between a licensee and an approved course provider.

(i) Course Provider. A person or entity offering preliminary or continuing education courses approved by the department. A course provider meeting the minimum qualifications established in this chapter may also be an approved instructor.

(j) DOJ. The California Department of Justice.

~~(j)~~ (k) Instructor. A person approved by the department to present preliminary or continuing education courses while in the employ of a course provider. An instructor may also be a course provider.

~~(l)~~ (l) Live Scan. Digitally scanned fingerprinting using the electronic process certified by DOJ at an approved facility.

~~(k)~~ (m) Manufacturer's Suggested Retail Price. The total price shown on the label required by Health and Safety Code Section 18032.

~~(t)~~ (n) 90-day certificate holder. An applicant for an original salesperson license, holding a certificate issued by the department which permits the applicant to perform the following activities while in the employment of a licensed dealer:

(1) A 90-day certificate holder may induce or attempt to induce a person to buy, lease, or exchange an interest in a new or used manufactured home, mobilehome, or commercial ~~each~~ modular.

(2) For commission, money, profit, or other thing of value, a 90-day certificate holder may sell, exchange, buy, or lease; offer for sale; negotiate or attempt to negotiate a sale, lease or exchange of an interest in a new or used manufactured home, mobilehome, or commercial ~~each~~ modular.

(3) A 90-day certificate holder shall not execute any documents, contracts, or listing agreements, or accept any cash or cash equivalent for the sale or lease of a new or used manufactured home, mobilehome, or commercial ~~each~~ modular.

~~(m)~~ (o) Preliminary Education Course. A class, seminar, or conference approved by the department pursuant to law and this chapter relating to laws and regulations governing manufactured home and mobilehome sales, specifically designed for persons not holding a manufactured home or mobilehome dealer or salesperson license.

~~(n)~~ (p) Purchase document. Any instrument of purchase, regardless of its title, which is prepared by a licensee to effect the sale of a manufactured home, mobilehome or commercial ~~each~~ modular to a retail purchaser.

~~(e)~~ (q) Supervising Managing Employee. A person designated by a licensed dealer of manufactured homes, mobilehomes or commercial ~~coaches~~ modulars as responsible for the direct supervision of 90-day certificate holders employed by the dealer at an established place of business. A supervising managing employee must be:

(1) a salesperson in possession of a valid occupational license as required by this chapter, or
(2) a sole owner dealer, or

(3) a partner in a partnership or a director or officer of a corporation who, as required by this chapter, has been designated as participating in the direction and control of the sales business.

~~(p)~~ (r) Topic. The subject offered by a preliminary or continuing education course.

~~(e)~~ (s) Working days. All days except Saturdays, Sundays, and state and federal holidays.

NOTE: Authority cited: Sections 18015, and 18052.6 ~~and~~ 18052.7, Health and Safety Code.

Reference: Sections 18001.8, 18035 — 18066.5, Health and Safety Code; Sections 1797 — 1797.7, Civil Code; ~~and~~ Sections 17003 and 17004, Financial Code; and Sections 11077.1 and 11102.1, Penal Code.

§ 5020. Application Requirements.

(a) An application for an occupational license or 90-day certificate shall contain that information required by the department, including, but not limited to, the forms and items listed in this section.

(b) Applicants for licenses pursuant to this section shall present ~~such~~ documentation ~~as the department may require~~ necessary to determine an applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802 of this subchapter.

(c) If the applicant is a partnership or corporation, the names and titles of all controlling partners, stockholders, directors, general managers and officers who are permitted to direct, control or manage the manufacturing or sales affairs of the applicant or licensee, subject to law or this chapter, shall be disclosed.

(d) Manufacturer license. The following forms and items are required to be submitted by applicants for a manufacturer's license:

(1) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, and Dealers, Part A, HCD OL 12 (Rev. 11/05);

(2) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, Dealers and Salespersons, Part B, HCD OL 29 (Rev. 11/05), for each person shown on Part A;

(3) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors and Dealers, Part C, HCD OL 21 (Rev. 11/05), for each established place of business;

(4) ~~Two fingerprint cards for each person shown on Part A;~~ For each person shown on Part A, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the forms prescribed by DOJ. Fingerprinting must be processed by a law enforcement agency or a DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;

(5) Two full facial photographs of each person shown on Part A, minimum size 1 1/4" x 1", taken from a maximum distance of six (6) feet;

(6) Business photographs: One photograph showing the manufacturing area and one photograph of the exterior of the office for each established place of business;

(7) A list of model or brand names to be manufactured at each established place of business;

(8) An explanation of the serial numbers configuration to be assigned to manufactured homes, mobilehomes or commercial ~~coaches~~ modulars;

(9) The original license application fee specified in Section 5040 of this subchapter for each established place of business.

(e) Distributor License. The following forms and items are required to be submitted by applicants for a distributor's license:

(1) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, and Dealers, Part A; HCD OL 12 (Rev. 11/05);

(2) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, Dealers and Salespersons, Part B, HCD OL 29 (Rev. 11/05), for each person shown on Part A;

(3) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors and Dealers, Part C, HCD OL 21 (Rev. 11/05), for each established place of business;

(4) ~~Two fingerprint cards for each person shown on Part A;~~ For each person shown on Part A, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the forms prescribed by DOJ. Fingerprints must be processed by a law enforcement agency or a DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;

(5) Two full facial photographs of each person shown on Part A, minimum size 1 1/4" x 1", taken from a maximum distance of six (6) feet;

(6) Business photographs: One photograph showing the exterior of the office of each established place of business;

(7) A list of the name, address, brands and models of each manufacturer whose line will be distributed;

(8) An explanation of the manufacturer's serial numbers configuration assigned to manufactured homes, mobilehomes or commercial ~~coaches~~ modulars;

(9) The original license application fee specified in Section 5040 of this subchapter for each established place of business.

(f) Dealer License. The following forms and items are required to be submitted by applicants for a dealer's license:

(1) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, and Dealers, Part A, HCD OL 12 (Rev. 11/05);

(2) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, Dealers and Salespersons, Part B, HCD OL 29 (Rev. 11/05), for each person shown on Part A;

(3) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors and Dealers, Part C, HCD OL 21 (Rev. 11/05), for each established place of business;

(4) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Dealers, Part D, HCD OL 50 (Rev. 11/05);

(5) ~~Two fingerprint cards for each person shown on Part A;~~ For each person shown on Part A, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the forms prescribed by DOJ. Fingerprints must be processed by a law enforcement agency or a

DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;

(6) Two full facial photographs of each person shown on Part A, minimum size 1 1/4" by 1", taken from a maximum distance of six (6) feet;

(7) Business photographs: One photograph showing the exterior of the office of each established place of business;

(8) Certificate of Appointment, HCD OL 28 (Rev. 11/05);

(9) A Letter of Authorization from, and a copy of any franchise or contractual agreement with, each manufacturer indicating its approval to sell manufactured homes, mobilehomes or commercial ~~coaches~~ modulars at the address of the established place of business (NOT required of ~~used~~ dealers selling only used manufactured homes, mobilehomes, or commercial modulars);

(10) Proof of successful passage by each person shown in Part A of the Manufactured Home/Mobilehome or Commercial Coach Modular Dealer Examination, as required by law and Section 5022 of this subchapter, within six months prior to the application date;

(11) A sample of all purchase documents to be used, including but not limited to, purchase orders, conditional sales contracts, security agreements, or other instruments of purchase, and receipts of deposit;

NOTE: Issuance of a license is not to be construed as approval of the contents of such documents or their legal sufficiency.

(12) A list of all names, license numbers and home addresses of all salespersons and managing employees to be employed at each established place of business;

(13) The original license application fee specified in Section 5040 of this subchapter for each established place of business.

(g) Salesperson License. The following forms and items are required to be submitted by applicants for a salesperson's license:

(1) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular salespersons, Part A, HCD OL 16 (Rev. 11/05);

(2) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, Dealers and Salespersons, Part B, HCD OL 29 (Rev. 11/05);

(3) ~~Two fingerprint cards, for each person shown on Part A;~~ For each person shown on Part A, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the forms prescribed by DOJ. Fingerprints must be processed by a law enforcement agency or a DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;

(4) Two full facial photographs, of each person shown on Part A, minimum size 1 1/4" by 1", taken from a maximum distance of six (6) feet;

(5) Proof of successful passage of the manufactured home/mobilehome or commercial coach modular salesperson examination, as required by law and Section 5022 of this subchapter, within six months prior to the application date;

(6) The original license application fee specified in Section 5040 of this subchapter.

(h) 90-Day Certificate.

(1) Any person applying for a 90-day certificate shall submit an application to the department on form HCD—OL 90, "Application For Manufactured Home/ Mobilehome/ Commercial ~~Coach~~ Modular 90-Day Certificate," ~~dated 4/94~~ (Rev. 11/05), as set forth in subsection (h)(2). This form is provided by the department.

(2) Form HCD—OL 90, "Application For Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular 90-Day Certificate," ~~dated 4/94~~ (Rev. 11/05).

(3) The original 90-day certificate application fee specified in Section 5040 of this subchapter.

(4) Concurrent with the submission to the department of a completed form HCD—OL 90, "Application For Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular 90-Day Certificate," ~~dated 4/94~~ (Rev. 11/05), the applicant shall also submit a completed application for license as a salesperson, in accordance with Sections 5020(a) and 5020(f) (g) of this subchapter, with the exception of the following items:

(A) Proof of successful passage of the manufactured home/ mobile-home mobilehome or commercial ~~coach~~ modular salesperson examination as required by Section 5020(f) (g) (5) of this subchapter;

(B) Proof of completion of a preliminary education program as required by Section 5302(c) of this subchapter; and

(C) The original salesperson license application fee specified in Section 5040(d)(1) of this subchapter as required by Section 5020(f) (g) (6) of this subchapter.

(i) 90-Day Certificate Holder Converting to a Salesperson License Holder.

(1) All 90-day certificate holders, wishing to convert to a licensed salesperson, shall provide the department with the following no later than three months after the expiration of their 90-day certificate:

(A) Proof of successful passage of the manufactured home/mobilehome or commercial ~~coach~~ modular salesperson examination as required by Section 5020(f) (g) (5) of this subchapter;

(B) Proof of completion of a preliminary education program as required by Section 5302(c) of this subchapter; and

(C) The original salesperson license application fee specified in Section 5040(d)(1) of this Chapter as required by Section 5020(f) (g) (6) of this subchapter.

(D) Items A, B, and C above required by subparagraphs (A), (B), and (C) of this subdivision shall be provided to the department accompanied by the 90-day certificate.

(2) Notwithstanding the three-month period permitted for completion of the salesperson application process outlined in ~~subsection~~ Section 5020(i)(1) of this subchapter above, no holder of an expired 90-day certificate shall act in the capacity of a 90-day certificate holder or licensed salesperson until receiving a valid certificate or salesperson license.

(3) Conversion applicants failing to comply with the provisions of Section 5020(i)(1) of this subchapter shall meet all salesperson license application requirements as a new applicant in accordance with Section 5020(f) (g) of this subchapter.

NOTE: Authority cited: Sections 18015, 18031, 18050(c), ~~48052.6~~ 18052 and 18075, Health and Safety Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; and Sections 18001.8, 18053.5 and 18056.2, and Health and Safety Code; and Sections 11077.1 and 11102.1, Penal Code.

§ 5021. Abbreviated Application for Applicants with Business or Personal History Irregularities.

Occupational license applicants with previous business or personal history irregularities wishing to determine licensing eligibility may submit an abbreviated application with the following items:

(1) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, and Dealers, Part A, HCD OL 12 (Rev. 11/05).

(2) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, Dealers and Salespersons, Part B, HCD OL 29 (Rev. 11/05).

(3) ~~Fingerprints.~~ For each applicant shown on Part A, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the forms prescribed by DOJ. Fingerprints must be processed by a law enforcement agency or a DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;

(4) Nonrefundable original application fee, specified by Section 5040 of this subchapter.

After the department has determined from the abbreviated application that an applicant is eligible, all other forms and items required by Section 5020 of this subchapter must be submitted to the department before a license or temporary permit will be issued.

NOTE: Authority cited: Section 18015, Health and Safety Code.

Reference: Sections 18001.8, 18031, 18045, 18050, 18050.5 and 18052, Health and Safety Code; and Sections 11077.1 and 11102.1, Penal Code.

§ 5025. Change of Ownership.

(a) Every licensee which is changing ownership structure by termination or addition of partners or incorporation, shall notify the department at least ten (10) days prior to the effective date of ~~such a~~ this change by the submittal of the following:

(1) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, and Dealers, Part A, HCD OL 12 (Rev. 11/05).

(2) Occupational License Application for Manufactured Home/ Mobilehome/ Commercial ~~Coach~~ Modular Manufacturers, Distributors and Dealers and Salespersons, Part B, HCD OL 29 (Rev. 11/05), for each new person shown on Part A.

(3) ~~Two fingerprint cards for each person shown on Part A;~~ For each person shown on Part A, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the

forms prescribed by DOJ. Fingerprints must be processed by a law enforcement agency or a DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;

- (4) Two full facial photographs of each new person shown on Part A.
- (5) For dealers only, a Certificate of Appointment, HCD OL 28 (Rev. 11/05).
- (6) For dealers only, proof of successful passage by each new person shown in Part A of the Mobilehome or Commercial ~~Coach~~ Modular Dealer Examination, as required by law and Section 5022 of this subchapter, within six months prior to the application date.
- (7) Change of ownership structure by incorporation or change of partner or corporate officer fee specified in Section 5040 of this subchapter, whichever is applicable.
- (b) Every licensee which is a corporation changing the ownership structure by the termination or addition of officers, shall notify the department within at least ten (10) days after the effective date of the change by the submittal of the following:
 - (1) Notice of ~~corporate officer change~~ Change of Corporate Officer(s) and/or Director(s) form HCD OL 15 (Rev. 11/05);
 - (2) Occupational License Application for Manufactured Home/Mobilehome/Commercial ~~Coach~~ Modular Manufacturers, Distributors, Dealers and Salespersons, Part B, HCD OL 29 (Rev. 11/05), for each new officer;
 - (3) ~~Two fingerprint cards for each new officer.~~ For each new officer and/or director, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the forms prescribed by DOJ. Fingerprints must be processed by a law enforcement agency or a DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;
 - (4) Two full facial photographs of each new officer, minimum size 1 1/4" x 1", taken from a maximum distance of six (6) feet;
 - (5) For dealers only, proof of successful passage by each new officer and/or director of the Manufactured Home/Mobilehome or Commercial ~~Coach~~ Modular Dealer Examination, as required by law and Section 5022 of this subchapter, within six months prior to the application date;
 - (6) Addition of partner(s) or corporate officer(s), or elimination of partner or corporate officer fee specified in Section 5040 of this subchapter, whichever is applicable.

NOTE: Authority cited: Sections and 18015, Health and Safety Code.

Reference: Sections 18001.8, 18050, 18060 and 18065, Health and Safety Code; and Sections 11077.1 and 11102.1, Penal Code.

§ 5340. Application for Preliminary Education Course Approval.

(a) Persons or entities seeking approval of a preliminary education course shall submit an Application for Preliminary Education Course Approval, HCD OL ED 122 (Rev. 11/05) form provided by the department. On the application form or as an attachment thereto, the applicant shall provide the following information and materials:

(1) The name, address and telephone number of the applicant. If the applicant is not a natural person, the names and titles of all directors, officers or partners of the entity and the entity name, address and telephone number.

(2) A disclosure of any licenses issued by the department pursuant to this chapter to the individual course provider, any director, officer or partner of an entity.

(3) A disclosure of any convictions of any felonies or misdemeanors of any owner, director, officer or partner.

(4) Two full facial photographs of each individual owner and each director, officer or partner of an entity, minimum size 1 1/4" by 1", taken from a maximum distance of six feet.

~~(5) Two fingerprint cards for each individual owner and each director, officer or partner of an entity unless already on file with the department in conjunction with a previous application.~~
For each individual owner and each director, officer or partner of an entity unless already on file with the department in conjunction with a previous application, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the forms prescribed by DOJ. Fingerprints must be processed by a law enforcement agency or a DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;

(6) A description as to how the course will be presented.

(7) Copies of all written, audio and audio-visual presentations, lessons, reference materials or other materials the course attendants will be provided or required to possess.

(8) An outline of the course curriculum with a designation of the time allotted to each segment of the curriculum. The outline shall reference any written materials, audio or audiovisual presentations, as provided in ~~#7~~ subsection (a)(7) above. Such outline shall contain all topics required by Section 5308 of this subchapter.

(9) A description of the method of attendance control and record keeping.

(10) The signature of the applicant certifying to the accuracy of the application and that the course will be presented as approved and conducted in a manner satisfying the intent of the law and requirements of this subchapter.

(b) The application shall be accompanied by the fee specified in Section 5360 of this subchapter for Preliminary Education Course Approval.

NOTE: Authority cited: Sections 18015, and ~~18056.2~~ 18052, Health and Safety Code.

Reference: Sections 18031 and 18056.2, Health and Safety Code; and Sections 11077.1 and 11102.1, Penal Code.

§ 5348. Application for Instructor Approval.

(a) Any person seeking approval to instruct preliminary or continuing education courses pursuant to this article, shall submit an Application for Instructor Approval, HCD OL ED 124 (Rev. 11/05) form provided by the department. On the application or as an attachment thereto, the applicant shall provide the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The applicant's qualifications meeting the standards of Section 5326 of this subchapter.
- (3) A disclosure of any licenses issued to the applicant by the department pursuant to this chapter.
- (4) A disclosure of any convictions of misdemeanors or felonies.
- (5) The applicant's signature certifying to the accuracy of the application.
- (6) ~~Two fingerprint cards, unless already on file with the department in conjunction with a previous application.~~ For each new applicant, fingerprints must be submitted through the Live Scan fingerprint process. Unless exempted by DOJ, applicants shall provide a properly completed and legible copy of form HCD OL 8016 (New 11/05), "Request for Live Scan Service" or the equivalent form provided by DOJ. The HCD OL 8016 form or DOJ equivalent form must provide evidence that the fingerprints have been submitted to DOJ and that the department is properly listed as the agency to receive any criminal history information. Applicants applying for an exemption from the Live Scan process must submit their exemption requests through the department on the forms prescribed by DOJ. Fingerprints must be processed by a law enforcement agency or a DOJ-certified fingerprint roller. Additional fingerprinting may be required if the submitted fingerprints are rejected by DOJ or the Federal Bureau of Investigation;

(7) Two full facial photographs, minimum size 1 1/4" by 1", taken from a maximum distance of six feet.

(b) The application shall be accompanied by the fee specified in Section 5360 of this subchapter for an Application for Instructor Approval.

NOTE: Authority cited: Sections 18015 and ~~18056.2~~ 18056, Health and Safety Code.

Reference: Sections 18031 and 18056.2, Health and Safety Code; and Sections 11077.1 and 11102.1, Penal Code.